

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 5 - 0 - 0

**Yeas:** Beyer, Knopp, Kruse, Roblan, Hass

**Nays:** 0

**Exc.:** 0

**Prepared By:** Richard Donovan, Administrator

**Meeting Dates:** 4/25

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**WHAT THE MEASURE DOES:** Removes sunset on provisions related to use of restraint or seclusion on student in public education program. Declares emergency, effective July 1, 2013.

**ISSUES DISCUSSED:**

- Strong results from House Bill 2939 (2011), specifically regarding notice
- House Bill 2939 (2011) drafted in accordance with national best practices, and at the request of the United States Department of Education, which asked states to legislate restrictions and guidelines for use of restraint
- Language of the bill as in-line with intent of the committee
- Potential conflicts with House Bill 2756-A, remedied by amendments

**EFFECT OF COMMITTEE AMENDMENT:** Resolves potential conflict with House Bill 2756-A.

**BACKGROUND:** House Bill 2939 (2011) prohibits the use of mechanical, chemical, and prone restraint on students in public education programs. It also specifies circumstances under which physical restraint and seclusion may be used, and describes procedures to be followed. Oregon Administrative Rule 581-021-0553 allows for the use of seclusion or physical restraint of students when there is an imminent risk of serious bodily injury and other less restrictive methods are ineffective. House Bill 2753-A removes the 2017 sunset on House Bill 2939 (2011).